SB CIVIL MISC. APPEAL NO.263/2006
Lakshmi Chand V/s Jagdish Giri & anr.

24.8..2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Vinay Mathur, for the appellant.

This is an appeal for enhancement of compensation filed by the injured appellant Lakshmi Chand against the award dated 6.10.2005 in MAC case No.661/2004 (2129/01)(566/99) passed by the MACT cum Additional District Judge (Fast Track) No.2, Tonk whereby Rs.29,500/- has been awarded to the claimant.

The facts, in brief, of the case are that on 9.9.1988, Cheetar Lal and Lakshmi Chand were going by Jeep No.MP-04-7016 and the same collided with a Tractor resulting in injuries to Cheetar Lal and Lakshmi Chand. The Claims Tribunal while considering the claim of Lakshmi Chand awarded Rs.2,000/- for medical expenses, Rs.3,000/- for nutritious food and transportation, Rs.4500/- for loss of income and Rs.20,000/- for physical pain and mental agony. Thus, in all award of Rs.29,500/- was passed by the Claims Tribunal.

The submission of Mr.Vinay Mathur, counsel for the appellant is that since the fracture was in Tibia and Fibula bone, therefore, the award is on

lower side.

I have gone through the award passed by the MACT, Tonk and further considered the submissions of Mr.Mathur, counsel for the appellant.

In my view, the award passed by the Claims Tribunal is justified as there are two simple and one grievous injury for which the claimant has been adequately compensated by granting him Rs.20,000/-. The amount has also been awarded on other heads as indicated above by adopting just and proper method. There is no error in the award dated 6.10.2005.

The appeals fails and is dismissed.

(**P.S. ASOPA) J.**

ummed/-